

**NOTICE TO PETITIONERS**  
**COMPLETING A MOTION TO**  
**APPOINT A SPECIALLY APPOINTED**  
**CONTEMPT ATTORNEY**  
***(FOR ORDER OF PROTECTION VIOLATIONS)***

**CAREFULLY READ THE  
INSTRUCTIONS BEFORE  
COMPLETING YOUR MOTION**

**AFTER COMPLETING YOUR  
MOTION, YOU WILL NEED TO  
PRINT THE PAPERWORK AND TAKE  
IT TO THE ADULT ABUSE OFFICE  
AT THE COURTHOUSE IN CLAYTON  
TO BE SWORN-IN TO YOUR  
STATEMENTS AND FILE YOUR  
PAPERWORK**

**INSTRUCTIONS FOR COMPLETING MOTION FOR APPOINTMENT OF  
A SPECIALLY APPOINTED CONTEMPT ATTORNEY**

*(Please Read before Completing Motion)*

1. **Motions for Appointment of a Specially Appointed Contempt Attorney (SACA) can only be filed on cases that have a Full Order of Protection issued by consent or after a hearing before a Judge.** They cannot be filed for cases that have an ex-parte Order of Protection.
2. **Please complete the Motion to Appoint a SACA in its entirety.** Ensure you have included the date your Full Order of Protection was entered and the day it expires. Also include any known addresses of the Respondent, so they can be served. If there is any information that you do not know or does not apply to your case, please write 'unknown' or 'NA'.
3. **Please include specific violations of the Order of Protection, with dates whenever possible.** It is extremely important to have specific allegations. ***If you do not include dates or specific allegations, the SACA may not be able to prosecute your case.***
4. **Complete the confidential information sheet and fill out an envelope with your address.** This information is only for the SACA, Domestic Violence Court staff, or the Order of Protection office to contact you. This information will not be shared with the Respondent.

*After completing your Motion, it will be reviewed by the Chief Specially Appointed Contempt Attorney (SACA). You will receive the Chief SACA's decision and your court date in the mail if the decision is made to issue the case.*

*If you have questions regarding your case prior to your court date, please feel free to contact an advocate with the Domestic Violence Court at (314) 615-4463.*

**Domestic Violence Resources:**

ALIVE

(314) 993-2777 24-hour helpline [www.alivestl.org](http://www.alivestl.org)

Safe Connections

(314) 531-2003 24-hour helpline [www.safeconnections.org](http://www.safeconnections.org)

# **WHAT TO DO IF YOUR FULL ORDER OF PROTECTION HAS BEEN VIOLATED**

- 1. IF YOU ARE IN DANGER, CALL “911” IMMEDIATELY.**
- 2. CALL THE POLICE IF THE RESPONDENT (THE PERSON YOU FILED AGAINST) HAS DONE ANY OF THE FOLLOWING AFTER THE ORDER WAS GRANTED:**

- Physically harmed you (hit, kicked, choked, sexually assaulted, etc...);
- Threatened to hurt you;
- Stalked you (for example, followed you, watched your house, waited for you at school/work, harassed you);
- Communicated with you (in person, by phone, by letter, by e-mail/social media, by text message, through another person, etc.);
- Entered your home or come onto your property; or
- Owned/used a gun and/or ammunition if they were ordered not to.

*Tell the police that you have a Full Order of Protection. Tell them the details of the violation(s), such as dates, times, or locations. Give the police as much information as possible (including the Order of Protection case number and places where the Respondent lives and works).*

- 3. GO TO THE COURTHOUSE TO FILE A “MOTION FOR AN APPOINTMENT OF A SPECIALLY APPOINTED CONTEMPT ATTORNEY (SACA).” If the SACA believes that your claims are a qualifying violation of the Order of Protection, they will file a “MOTION FOR CONTEMPT” on your behalf.**

- **WHAT IS A MOTION FOR CONTEMPT?** A Motion for Contempt is a request for the court to address a person's violation(s) of the Full Order of Protection. By filing a “MOTION FOR AN APPOINTMENT OF A SPECIALLY APPOINTED CONTEMPT ATTORNEY” (SACA), you are asking an attorney to review your case and file a Motion for Contempt on your behalf. When the SACA files a Motion for Contempt, they are asking the Judge to hold the Respondent “in contempt of court” for violating the Order of Protection. If a judge finds that the Respondent is in contempt of court, the judge may fine the Respondent or send them to jail, or other consequences.
- **FOR WHAT VIOLATIONS CAN A PERSON BE HELD IN CONTEMPT?** The judge can hold the other person in contempt of court for violating terms of a Full Order of Protection, including the violations listed above in the second paragraph (such as harming you, threatening you, stalking you, communicating with you, etc).

**CRIMINAL CONTEMPT:** For the above violations (harming you, threatening you, stalking you, communicating with you, etc.), **you have the option to both call the police and file a “Motion to Appoint a Specially Appointed Contempt Attorney (SACA).”** The SACA will then review your motion and consider filing a “Motion for Contempt.” More information about how to file this motion can be found on the back page.

**CIVIL CONTEMPT:** You may also file a Motion for Civil Contempt if the Respondent violates other terms of the Full Order of Protection, such as: failure to return property; failure to pay medical bills, child support, rent; or other financial orders. For these types of violations, you need to file a “**MOTION for CIVIL CONTEMPT.**”

*(Continued on other side.)*

- **WHERE DO I GO TO FILE?** You can file a motion to start the contempt process at the St. Louis County Adult Abuse Office, located on the street level of the St. Louis County Courthouse. The Courthouse address is 105 S. Central Ave. in Clayton, MO 63105. The Adult Abuse Office phone number is (314) 615-4725.
- **WHEN CAN I FILE?** The Adult Abuse Office is open for the filing of Motions for the Appointment of a Specially Appointed Contempt Attorney on Monday through Friday, from 8:00 a.m. to 4:00 p.m.
- **DO I NEED TO PAY ANYTHING TO FILE?** No, there is no cost for filing these motions.
- **WHAT SHOULD I BRING?** You are not required to bring anything; however, if you have proof of the violations of your Order, like photographs, video tapes, police reports, medical records or other documents, you should bring copies of those documents with you. Since the Respondent must be served with a copy of your Motion, you should try to have his/her current address (home and/or work, preferably both) when you arrive at the Adult Abuse Office. **Having no current address for the Respondent will make the contempt process very challenging.**
- **WHAT WILL I HAVE TO DO?** You will be given a "Motion for the Appointment of a Special Prosecuting Attorney" form that you will need to complete. On this form, you will need to write down the details of what happened and how the Respondent violated the Order of Protection. **For each violation that you allege, you should try to include dates, times and locations as much as possible.** Shortly after you file your Motion, the court will notify you through the mail of your court date if the judge decided to hold a hearing on your case.
- **WHO CAN HELP ME?** Volunteer advocates may be available – free of charge – at the Adult Abuse Office to assist you in completing the necessary forms. You may want to call ahead of time to be sure that an advocate is scheduled to be there when you come in to file. The staff at the Adult Abuse Office will also be able to help you if you have any questions. To reach an advocate, you can call either (314) 615-3210 or (314) 615-4463.
- **DO I NEED A LAWYER?** The Specially Appointed Contempt Attorney will prosecute the case but will not act as your personal lawyer. You do not need a lawyer and your case can proceed if you represent yourself. However, you have the right to get legal representation. The Respondent, however, should obtain an attorney because he/she would be facing jail time. If he/she cannot afford an attorney, the judge will appoint him/her one.

(Rev. 04/29/22)

## **WHAT TO EXPECT AFTER FILING FOR CONTEMPT** **(FOR VIOLATIONS OF A FULL ORDER OF PROTECTION)**

- **I HAVE FILED MY "MOTION FOR AN APPOINTMENT OF A SPECIAL COURT ATTORNEY." WHAT HAPPENS NEXT?** When you submit your Motion to the Adult Abuse Office clerk, you will also submit contact sheet with your mailing address. This is because you will **not** be notified about your contempt case on the same day that you file; instead, the Court will send you the decision about your contempt case in the mail using this envelope.

The Court's Chief Specially Appointed Contempt Attorney will review the Motion that you filed and determine whether or not there is enough information to issue a Motion for Indirect Criminal Contempt

- If your Motion is granted, you will receive a copy of the above documents, ***which will include a court date***, in the mail;
  - If your Motion is denied, you will receive a copy of the paperwork dismissing your Motion in the mail. In this case, your Full Order of Protection remains in effect until the expiration date unless renewed. If additional violations occur before the expiration, you can file another contempt Motion.
- **MY MOTION WAS GRANTED AND MY COURT DATE IS APPROACHING, WHAT DO I DO?** Before your court date, you will want to make sure you have gathered any and all evidence to support your claim that the respondent has violated your Full Order of Protection. This might include photographs, text messages, voicemails, medical reports or police reports.

Sometime before your court date, you will be contacted by the Specially Appointed Court Attorney ("SACA") who has been appointed to your case. **Please know that the Specially Appointed Contempt Attorney is not your private attorney.** The SACA will review the case with you and discuss your allegations and evidence. They will also discuss your upcoming court date.

- **WHAT HAPPENS IN COURT?** The first court setting **may not** be a full contempt hearing; rather it may be a "scheduling conference." The judge may need to use the first court date to choose a different date for the contempt hearing and to notify all of the parties involved. Because this is a criminal proceeding, the judge has to make sure the respondent has access to a lawyer or has waived their right to have an attorney represent them. This can mean the hearing does not happen at the first setting.
- **WHAT IS A CONTEMPT HEARING?** At the contempt hearing, the judge will decide whether or not to hold the respondent in contempt of court for violating the Full Order of Protection. The SACA will present your case and the judge will typically hear testimony from you and any witnesses that the SACA chooses to present. The judge will also possibly review any documents (such as police reports, medical reports, photographs, etc.) that you have to support your claims.

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When your case is finished, the respondent has the right to present testimony and evidence to the judge. The respondent's attorney may also have questions to ask you about your allegations.

Following the hearing, the judge will decide whether or not your Motion should be granted.

- **WHAT HAPPENS AFTER THE HEARING IS OVER?** If the judge finds the respondent in contempt of court, the SACA will offer recommendations for how the respondent should be punished. You will also have the chance to tell the Judge what you think the consequence should be. Consequences can include jail time, fines, participation in community programming, court monitoring, etc. The respondent will likely have to return for future court dates to show the judge that the respondent is following all orders; however, you will not likely need to return for future court dates unless you would choose to do so.

Please note that in some circumstances the respondent may **agree** to certain consequences (as described above) without having a hearing. The SACA on your case will discuss these options with you and with the respondent and/or the respondent's attorney.

- **WHO CAN HELP ME?** Advocates are available in the Adult Abuse Office (where you file your paperwork), by phone and/or at your court date(s). They can answer questions about your court hearing. They can also give you information about resources and safety planning. The staff at the Adult Abuse Office and the Domestic Violence Court will also be able to help you if you have any questions. To reach an advocate, you can call either (314) 615-3210 or (314) 615-4463.

STATE OF MISSOURI )  
 ) SS  
COUNTY OF ST. LOUIS )

IN THE FAMILY COURT OF ST. LOUIS COUNTY  
DOMESTIC VIOLENCE COURT  
STATE OF MISSOURI

\_\_\_\_\_, )  
 ) Petitioner )  
 ) Cause No. \_\_\_\_\_ )  
 vs. ) (same # as the Order of Protection) )  
 ) )  
 ) )  
\_\_\_\_\_, )  
 ) Respondent ) (same # as the Order of Protection)

Respondent Identifiers				
SEX	RACE	D.O.B.	HT.	WT.
EYES	HAIR	EYES	SOCIAL SECURITY #	
DRIVERS LICENSE #	STATE		EXPIRATION DATE	
MAKE OF AUTOMOBILE	LICENSE PLATE #		STATE	
<b>Distinguishing Features:</b>				

Respondent's Home Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent's Parent's Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent's Work Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Address Where Respondent May Be Located:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITIONER'S MOTION FOR AN APPOINTMENT OF A SPECIAL CONTEMPT ATTORNEY TO REVIEW ALLEGATIONS THAT RESPONDENT VIOLATED THE FULL ORDER OF PROTECTION**

COMES NOW Petitioner and states as follows:

- I am the Petitioner in this matter.
- On \_\_\_\_\_, 20\_\_\_\_, the Court entered a Full Order of Protection (hereinafter "O/P") for Petitioner against Respondent, to last until \_\_\_\_\_, 20\_\_\_\_. [On \_\_\_\_\_, 20\_\_\_\_, the Court extended the Full Order of Protection, to last until \_\_\_\_\_, 20\_\_\_\_.]

3. According to the provision(s) of the O/P, the Court ordered Respondent to refrain from:

- A.  abusing and threatening to abuse Petitioner;
- B.  communicating with Petitioner;
- C.  harassing and stalking Petitioner;
- D.  entering the premises of Petitioner’s residence or employment;
- E.  coming within \_\_\_\_ feet of Petitioner;
- F.  interfering with the award of custody of the parties’ children to Petitioner;
- G.  \_\_\_\_\_

*(Indicate any other special provisions not otherwise covered above, which were ordered by the Court when the O/P was entered.)*

4. The O/P has at all times since its entry remained in full force and effect.

5. Respondent has willfully and intentionally violated the terms of the O/P as follows:

A. On \_\_\_\_\_, 20\_\_\_\_, at approximately \_\_\_\_\_AM/PM *(state the time)* at \_\_\_\_\_ *(state the location)*, in violation of the O/P restriction stated in Paragraph 3(\_\_\_\_) *(select the letter in paragraph 3, above, that corresponds with the O/P term that Respondent violated)*, Respondent did the following:

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B. On \_\_\_\_\_, 20\_\_\_\_, at approximately \_\_\_\_\_AM/PM at \_\_\_\_\_, in violation of the O/P restriction stated in Paragraph 3(\_\_\_\_), Respondent did the following: \_\_\_\_\_

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C. On \_\_\_\_\_, 20\_\_\_\_, at approximately \_\_\_\_\_AM/PM at \_\_\_\_\_, in violation of the O/P restriction stated in Paragraph 3(\_\_\_\_), Respondent did the following: \_\_\_\_\_

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*(Describe all claimed violations of the O/P, including dates, times and places, as specifically as possible. If there is not enough space, please use additional paper. If you have documents to support your claims, please attach them and refer to them in this section.)*

6. Respondent's above violations were willful and with careless and imprudent disregard for the power and authority of the court.

7. (Please check one box)

I am unaware of any proceedings in municipal or state court that relate to the prosecution of Respondent for the same violations of the O/P that I have described in paragraph 5 (above).

The following municipal or state courts have charged Respondent with the same or similar violations of the O/P that I have described in paragraph 5 (above): \_\_\_\_\_

\_\_\_\_\_.

**WHEREFORE**, Petitioner moves this court to appoint a Special Contempt Attorney to review both the above allegations and the case file, and if appropriate, file a Motion to Hold Respondent in Indirect Criminal Contempt.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

STATE OF MISSOURI     )  
  ) SS.  
COUNTY OF ST. LOUIS    )

I, Petitioner herein, hereby swear or affirm that that the facts in the foregoing Motion are true and correct according to my best knowledge, information and belief.

\_\_\_\_\_  
Petitioner

Sworn or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Deputy Circuit Clerk/Notary Public/Judge

(For Notary Publics) My Commission Expires:

**\* NOTE: Petitioner should only sign her/his name on this line in the presence of a court clerk or a notary public. (A court clerk is always available at the Adult Abuse Office.)**

## CONFIDENTIAL INFORMATION SHEET

**NOTICE:** This is a confidential form and shall be used to provide current contact information for Petitioners filing a Motion for Indirect Criminal Contempt. This information will only be provided to the Domestic Violence Court Coordinator and the Specially Appointed Contempt Attorney appointed to your contempt case. Providing your contact information will enable the Specially Appointed Contempt Attorney on your case to contact you prior to your court date. This information will NOT be served to the Respondent or included in the court file.

Petitioner Name: \_\_\_\_\_

Petitioner Mailing Address (**NOTE: You will receive the Court's decision and the court date, if applicable, by mail**):

\_\_\_\_\_

Petitioner Phone Number: \_\_\_\_\_

*Safe to leave a message?*                      Yes                      No

Alternative Phone Number: \_\_\_\_\_

*Safe to leave a message?*                      Yes                      No

Petitioner Email (if applicable): \_\_\_\_\_